

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

FILED
DATE: May 6, 2010
9:00 O'Clock A.M.
JEANNE HICKS, CLERK
BY: Rachel Roehe
Deputy

STATE OF ARIZONA,

(Plaintiff)

vs

JURY MESSAGES DURING JURY SELECTION

Case No. : P1300CR20081339

Trial Date: MAY 6, 2010

STEVEN CARROLL DEMOCKER

(Defendant)

The attached sheets are jury messages relayed by members of the jury pool regarding the above referenced trial.

Gearhart, Robin

From: Gearhart, Robin
Sent: Friday, April 23, 2010 9:29 AM
To: 'Joe Butner'; 'John.Sears@azbar.org'; Hammond, Larry; Chapman, Anne
Cc: Merlitz, Margaret
Subject: St v DeMocker - P1300CR20081339

Judge Lindberg has excused another prospective juror due to hardship:

[REDACTED]

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

4.23.10

Called Margaret and expressed
SDe supporter
invalid at home
will lose job.

Gearhart, Robin

From: Gearhart, Robin
Sent: Monday, April 26, 2010 10:42 AM
To: 'Joe Butner'
Subject: RE: St v DeMocker - P1300CR20081339

Received.
Thank you.
Robin

From: Joe Butner [mailto:joe.butner@co.yavapai.az.us]
Sent: Monday, April 26, 2010 9:57 AM
To: Gearhart, Robin
Subject: RE: St v DeMocker - P1300CR20081339

No objection. Thanks, Joe

From: Gearhart, Robin [mailto:RGearhart@courts.az.gov]
Sent: Monday, April 26, 2010 9:02 AM
To: Joe Butner; 'John.Sears@azbar.org'; Hammond, Larry; Chapman, Anne
Subject: St v DeMocker - P1300CR20081339

The Court is in receipt of information from the Jury Commissioner re: a juror's notice of hardship.

Judge Lindberg has reviewed the request (see below) and is excusing [REDACTED] from jury duty in this matter.

Should you have questions or need additional information, please contact me.

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

From: [REDACTED]
Sent: Friday, April 23, 2010 1:07 PM
To: Merlitz, Margaret
Subject: Re: St vs. Deomocker - Jury Selection continues

To whom it may concern,

My name is [REDACTED] and I have been asked to come back for Jury selection continued on May 4th at 8:30am for the St. vs. Deomocker.

On that date I will be half way though a 48 hour shift up [REDACTED]. I work on an Ambulance as an EMT. In order for me to ensure that I make this appointment I would most likely have to take the whole 48 hours off due to the unpredictability of 911 calls.

Originally I thought that the company I work for paid for me to go to Jury Duty but they do not. Currently I live pay check to pay check and barley at that. Due to the hours that I work and not being able to be reimbursed I'm afraid that this would be a hardship for me. In no way am I trying to skirt my duty's as a

citizen. I was actually excited to be a part of this but I'm scared of not being able to sustain my well being. I hope that you understand and I thank you for your time.

Sincerely,


Gearhart, Robin

From: Gearhart, Robin
Sent: Monday, April 26, 2010 9:07 AM
To: Merlitz, Margaret
Subject: FW: St v DeMocker - P1300CR20081339

Margaret,

As you will note from below, Judge Lindberg has excused [REDACTED]

Judge Lindberg has requested [REDACTED] be notified, and the next name on the list be contacted to replace [REDACTED] on May 4, 2010 at 8:30 a.m.

Any questions, please let me know.

Thank you.
Robin

From: Gearhart, Robin
Sent: Monday, April 26, 2010 9:02 AM
To: 'Joe Butner'; 'John.Sears@azbar.org'; Hammond, Larry; Chapman, Anne
Subject: St v DeMocker - P1300CR20081339

The Court is in receipt of information from the Jury Commissioner re: a juror's notice of hardship.

Judge Lindberg has reviewed the request (see below) and is excusing [REDACTED] from jury duty in this matter.

Should you have questions or need additional information, please contact me.

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

From: [REDACTED]
Sent: Friday, April 23, 2010 1:07 PM
To: Merlitz, Margaret
Subject: Re: St vs. Deomocker - Jury Selection continues

To whom it may concern,

My name is [REDACTED] and I have been asked to come back for Jury selection continued on May 4th at 8:30am for the St. vs. Deomocker.

On that date I will be half way though a 48 hour shift up [REDACTED] I work on an Ambulance as an EMT. In order for me to ensure that I make this appointment I would most likely have to take the whole 48 hours off due to the unpredictability of 911 calls.

Originally I thought that the company I work for paid for me to go to Jury Duty but they do not. Currently I live pay check to pay check and barley at that. Due to the hours that I work and not being able to be reimbursed I'm afraid that this would be a hardship for me. In no way am I trying to skirt my duty's as a

citizen. I was actually excited to be a part of this but I'm scared of not being able to sustain my well being. I hope that you understand and I thank you for your time.

Sincerely,


Gearhart, Robin

From: [REDACTED]
Sent: Merlitz, Margaret
Friday, April 23, 2010 2:54 PM
To: [REDACTED]
Cc: Gearhart, Robin
Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED],
I am forwarding your e-mail to Judge Lindberg's office.

Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

From: [REDACTED]
Sent: Friday, April 23, 2010 1:07 PM
To: Merlitz, Margaret
Subject: Re: St vs. Deomocker - Jury Selection continues

To whom it may concern,

My name is [REDACTED] and I have been asked to come back for Jury selection continued on May 4th at 8:30am for the St. vs. Deomocker.

On that date I will be half way though a 48 hour shift up [REDACTED] I work on an Ambulance as an EMT. In order for me to ensure that I make this appointment I would most likely have to take the whole 48 hours off due to the unpredictability of 911 calls.

Originally I thought that the company I work for paid for me to go to Jury Duty but they do not. Currently I live pay check to pay check and barley at that. Due to the hours that I work and not being able to be reimbursed I'm afraid that this would be a hardship for me. In no way am I trying to skirt my duty's as a citizen. I was actually excited to be a part of this but I'm scared of not being able to sustain my well being. I hope that you understand and I thank you for your time.

Sincerely,
[REDACTED]

From: "Merlitz, Margaret" <MMerlitz@courts.az.gov>
Sent: Thu, April 22, 2010 12:12:47 PM
Subject: St vs. Deomocker - Jury Selection continues

Prospective juror:

The jury selection process will commence in the Courtroom and your presence is needed. **UPON COURT ORDER** please report to the 3rd Floor of the Prescott Courthouse, 120 South Cortez on the following date and time:

TUESDAY, MAY 4, 2010 AT 8:30 A.M.

On that date you will check in with the Deputy Jury Commissioner who will then instruct you further.

.Parking: We are requesting that you park in the parking garage located at 135 S. Granite Street. If you need to park in two-hour parking around the courthouse, please call and I will send you a parking pass to put on your dash in front of the steering wheel showing your appearance date. Tickets or towing for parking violations will not be paid or validated.

Reminder: The admonition that was given when you came in to complete the jury questionnaire still applies.

PLEASE ACKNOWLEDGE RECEIPT OF THIS NOTICE BY E-MAIL OR PHONE.

Thank you,

Margaret J. Merlitz
Deputy Jury Commissioner
(928) 777-3039
mmerlitz@courts.az.gov

Gearhart, Robin

From: Gearhart, Robin
Sent: Friday, April 23, 2010 9:34 AM
To: 'Joe Butner'; 'John.Sears@azbar.org'; Hammond, Larry; Chapman, Anne
Cc: Merlitz, Margaret
Subject: St v DeMocker - P1300CR20081339

Judge Lindberg has excused prospective juror [REDACTED] due to the fact that she is moving out of Yavapai County.

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

Gearhart, Robin

From: Merlitz, Margaret
Sent: Friday, April 23, 2010 8:44 AM
To: Gearhart, Robin
Subject: FW: St vs. Democker - Jury selection continues - JUROR MOVING

FYI – Juror advises she is moving. Should I remove her from the juror panel at this time?

Margaret

From: [REDACTED]
Sent: Friday, April 23, 2010 6:19 AM
To: Merlitz, Margaret
Subject: Re: St vs. Democker - Jury selection continues

As of tomorrow I will be living in Lake Havasu City, AZ
I am starting my new job at the [REDACTED]

[REDACTED]

[REDACTED]

I do not see how I still could be a prospective Juror under these circumstances but your email has me worried.

Please let me know.

[REDACTED]

From: "Merlitz, Margaret" <MMerlitz@courts.az.gov>
Sent: Thu, April 22, 2010 2:29:24 PM
Subject: St vs. Democker - Jury selection continues

Prospective Juror:

The jury selection process will commence in the Courtroom and your presence is needed. **UPON COURT ORDER** please report to the 3rd Floor of the Prescott Courthouse, 120 South Cortez on the following date and time:

WEDNESDAY, MAY 5, 2010 AT 8:30 A.M.

On that date you will check in with the Deputy Jury Commissioner who will then instruct you further.

Parking: We are requesting that you park in the parking garage located at 135 S. Granite Street. If you need to park in two-hour parking around the courthouse, please call and I will send you a parking pass to put on your dash in front of the steering wheel showing your appearance date. Tickets or towing for parking violations will not be paid or validated.

Reminder: The admonition that was given when you came in to complete the jury questionnaire still applies.

PLEASE ACKNOWLEDGE RECEIPT OF THIS NOTICE BY E-MAIL OR PHONE.

Thank you,

Margaret J. Merlitz
Deputy Jury Commissioner
(928) 777-3039
mmerlitz@courts.az.gov

Gearhart, Robin

From: Gearhart, Robin
Sent: Monday, May 03, 2010 9:18 AM
To: 'Joe Butner'
Subject: RE: St vs. Deomocker - Jury Selection continues

Thank you.
Robin

From: Joe Butner [mailto:joe.butner@co.yavapai.az.us]
Sent: Monday, May 03, 2010 9:12 AM
To: Gearhart, Robin
Subject: RE: St vs. Deomocker - Jury Selection continues

No objection. Thanks, Joe

From: Gearhart, Robin [mailto:RGearhart@courts.az.gov]
Sent: Tuesday, April 27, 2010 9:17 AM
To: Joe Butner; 'John Sears'; Hammond, Larry; Chapman, Anne
Cc: Merlitz, Margaret
Subject: FW: St vs. Deomocker - Jury Selection continues

The Court is in receipt of information from the Jury Commissioner re: a prospective juror's requests to be excused.

Judge Lindberg has reviewed the request (see below) and is excusing [REDACTED] from jury duty in this matter.

Should you have questions or need additional information, please contact me.

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

From: Merlitz, Margaret
Sent: Tuesday, April 27, 2010 8:05 AM
[REDACTED]
Cc: Gearhart, Robin
Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED]

I'm forwarding your 2nd e-mail to Judge Lindberg's Office for review.

Margaret J. Merlitz
Deputy Jury Commissioner

Yavapai County
(928) 777-3039

From: [REDACTED]
Sent: Monday, April 26, 2010 8:22 PM
To: Merlitz, Margaret
Subject: RE: St vs. Deomocker - Jury Selection continues

Dear Ms. Merlitz

I'm sure they've heard the same excuse a million times before, but this is serious. I really do not have anywhere to take my children. I'm a stay at home mom, we have one income, my husband is desperately trying to keep his job because of all the layoffs, to have him take off from work right now would cause an extreme financial hardship on us. We are just trying to survive. I share the responsibility of taking care of my 85 year old grandfather while my mother works. I am the caregiver to my 3 year old, my 6 year old, and I babysit two of my son's friends after school until their parents get home from work. To serve on this jury would ruin us financially. I just don't see how I could have even been chosen. Please, I can't do this, there is no one else to take over my responsibilities to my children, my friends children, or my grandfather and we can't afford it.

sincerely,
[REDACTED]

From: MMerlitz@courts.az.gov
Date: Mon, 26 Apr 2010 12:50:47 -0700
Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED]
I am forwarding your e-mail to Judge Lindberg's Office.

Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

[REDACTED]
Sent: Saturday, April 24, 2010 4:22 PM
To: Merlitz, Margaret
Subject: RE: St vs. Deomocker - Jury Selection continues

My husband will be out of town still and I do not have a care giver for my three year old daughter, and I will need to pick up my son from kindergarten by 2:30pm. I am the sole care giver for my children. I can't be there. My only options would be to bring both my children with me, is that allowed?

Sincerely
[REDACTED]

From: MMerlitz@courts.az.gov
Date: Thu, 22 Apr 2010 15:48:45 -0700
Subject: FW: St vs. Deomocker - Jury Selection continues

Prospective Juror:

The jury selection process will commence in the Courtroom and your presence is needed. **UPON COURT ORDER** please report to the 3rd Floor of the Prescott Courthouse, 120 South Cortez on the following date and time:

FRIDAY, MAY 7, 2010 AT 8:30 A.M.

On that date you will check in with the Deputy Jury Commissioner who will then instruct you further.

Parking: We are requesting that you park in the parking garage located at 135 S. Granite Street. If you need to park in two-hour parking around the courthouse, please call and I will send you a parking pass to put on your dash in front of the steering wheel showing your appearance date. Tickets or towing for parking violations will not be paid or validated.

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mmerlitz@courts.az.gov

Gearhart, Robin

From: Gearhart, Robin
Sent: Tuesday, April 27, 2010 9:17 AM
To: 'Joe Butner'; 'John Sears'; Hammond, Larry; Chapman, Anne
Cc: Merlitz, Margaret
Subject: FW: St vs. Deomocker - Jury Selection continues

The Court is in receipt of information from the Jury Commissioner re: a prospective juror's requests to be excused.

Judge Lindberg has reviewed the request (see below) and is excusing [REDACTED] from jury duty in this matter.

Should you have questions or need additional information, please contact me.

Thank you.

Robin Gearhart

Judicial Assistant / Division 6

Yavapai County Superior Court

From: Merlitz, Margaret
Sent: Tuesday, April 27, 2010 8:05 AM
[REDACTED]
Cc: Gearhart, Robin
Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED]

I'm forwarding your 2nd e-mail to Judge Lindberg's Office for review.

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[REDACTED]
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To: Merlitz, Margaret
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old, and I babysit two of my son's friends after school until their parents get home from work. To serve on this jury would ruin us financially. I just don't see how I could have even been chosen. Please, I can't do this, there is no one else to take over my responsibilities to my children, my friends children, or my grandfather and we can't afford it.

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[REDACTED]

From: MMerlitz@courts.az.gov
Date: Mon, 26 Apr 2010 12:50:47 -0700
Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED]

I am forwarding your e-mail to Judge Lindberg's Office.

Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

[REDACTED]

Sent: Saturday, April 24, 2010 4:22 PM
To: Merlitz, Margaret
Subject: RE: St vs. Deomocker - Jury Selection continues

My husband will be out of town still and I do not have a care giver for my three year old daughter, and I will need to pick up my son from kindergarten by 2:30pm. I am the sole care giver for my children. I can't be there. My only options would be to bring both my children with me, is that allowed?

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Gearhart, Robin

From: Merlitz, Margaret
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[REDACTED]
Cc: Gearhart, Robin
Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED]

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Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

[REDACTED]

Sent: Monday, April 26, 2010 8:22 PM
To: Merlitz, Margaret
Subject: RE: St vs. Deomocker - Jury Selection continues

* Dear Ms. Merlitz

I'm sure they've heard the same excuse a million times before, but this is serious. I really do not have anywhere to take my children. I'm a stay at home mom, we have one income, my husband is desperately trying to keep his job because of all the layoffs, to have him take off from work right now would cause an extreme financial hardship on us. We are just trying to survive. I share the responsibility of taking care of my 85 year old grandfather while my mother works. I am the caregiver to my 3 year old, my 6 year old, and I babysit two of my son's friends after school until their parents get home from work. To serve on this jury would ruin us financially. I just don't see how I could have even been chosen. Please, I can't do this, there is no one else to take over my responsibilities to my children, my friends children, or my grandfather and we can't afford it.

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From: MMerlitz@courts.az.gov
[REDACTED]

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Subject: RE: St vs. Deomocker - Jury Selection continues

[REDACTED]

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Deputy Jury Commissioner
Yavapai County
(928) 777-3039

[REDACTED]
Sent: Saturday, April 24, 2010 4:22 PM

To: Merlitz, Margaret

Subject: RE: St vs. Deomocker - Jury Selection continues

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Thank you,

Margaret J. Merlitz
Deputy Jury Commissioner
(928) 777-3039
mmerlitz@courts.az.gov

Gearhart, Robin

From: Gearhart, Robin
Sent: Monday, May 03, 2010 2:39 PM
To: Merlitz, Margaret
Cc: 'Joe Butner'; 'John Sears'; Hammond, Larry; 'Chapman, Anne'
Subject: RE: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

Margaret,

Per Judge Lindberg, please excuse [REDACTED] and replace her with another prospective juror from the random list.

Thank you.

Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

From: Merlitz, Margaret
Sent: Monday, May 03, 2010 12:24 PM
To: Gearhart, Robin
Subject: RE: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

[REDACTED] called again. She will also have [REDACTED] on May [REDACTED] and [REDACTED]. She works on May 12th from 6 to 1 p.m.

From: Gearhart, Robin
Sent: Monday, May 03, 2010 11:04 AM
To: Merlitz, Margaret
Subject: RE: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

Received.

Thank you.
Robin

From: Merlitz, Margaret
Sent: Monday, May 03, 2010 11:02 AM
To: Gearhart, Robin
Subject: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

Good morning,

[REDACTED] left a phone message that this week is [REDACTED] week at [REDACTED] and she won't be able to be present on May 7th.

Please advise.

Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

Gearhart, Robin

From: Merlitz, Margaret
Sent: Monday, May 03, 2010 12:24 PM
To: Gearhart, Robin
Subject: RE: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

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Sent: Monday, May 03, 2010 11:04 AM
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Subject: RE: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

Received.

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Robin

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To: Gearhart, Robin
Subject: Democker -- Juror [REDACTED] May 7th at 8:30 [REDACTED]

Good morning,

[REDACTED] left a phone message that this week is [REDACTED] week a [REDACTED] and she won't be able to be present on May 7th.

Please advise.

Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

Gearhart, Robin

From: Gearhart, Robin
Sent: Tuesday, April 27, 2010 9:10 AM
To: 'Joe Butner'; 'John Sears'; Hammond, Larry; Chapman, Anne
Cc: Merlitz, Margaret
Subject: St v DeMocker - P1300CR20081339

The Court is in receipt of information from the Jury Commissioner re: a prospective juror's request to be excused.

Judge Lindberg has reviewed the request (see below) and is excusing [REDACTED] from jury duty in this matter.

Should you have questions or need additional information, please contact me.

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

[REDACTED]
Sent: Friday, April 23, 2010 7:54 PM
To: Merlitz, Margaret
Subject: St vs. Democker

I had indicated on my questionnaire that I would not be able to serve on such a lengthy trial because I am my husband's caregiver. He has recently started home dialysis and requires my assistance. Would appreciate having my name removed from your juror list at this time.

Thank you,
[REDACTED]

Gearhart, Robin

From: Merlitz, Margaret
Sent: Monday, April 26, 2010 2:18 PM
To: [REDACTED]
Cc: Gearhart, Robin
Subject: Re: [REDACTED]

[REDACTED]

I'm forwarding your e-mail to Judge Lindberg's Division.

Margaret J. Merlitz
Deputy Jury Commissioner
Yavapai County
(928) 777-3039

From: [REDACTED]
Sent: Friday, April 23, 2010 7:54 PM
To: Merlitz, Margaret
Subject: St vs. Democker

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Thank you,

[REDACTED]

Gearhart, Robin

From: Merlitz, Margaret
Sent: Thursday, April 22, 2010 2:44 PM
To: Gearhart, Robin
Subject: RE: St v DeMocker - P1300CR20081339

Thank you Robin!

From: Gearhart, Robin
Sent: Thursday, April 22, 2010 2:37 PM
To: 'joe.butner@co.yavapai.az.us'; 'John.Sears@azbar.org'; Hammond, Larry; Chapman, Anne
Cc: Merlitz, Margaret
Subject: St v DeMocker - P1300CR20081339

The Court is in receipt of information from the Jury Commissioner re: a juror's request to be dismissed.

Judge Lindberg has reviewed the request (see below) and is excusing [REDACTED] from jury duty in this matter.

Should you have questions or need additional information, please contact me.

Thank you.
Robin Gearhart
Judicial Assistant / Division 6
Yavapai County Superior Court

Margaret:

Please attach this information to the questionnaire I filled out on March 29, 2010.

On my questionnaire I said I was able to serve on Jury Duty at this time but I would be uncomfortable leaving my husband all day. He is recovering from back surgery.

On April 1, 2010 he had surgery to replace his ICD pacemaker.

On April 10, 2010 he was admitted to the hospital, through the ER, because of labored breathing, and he was unable to walk on his own. He has congestive heart failure. His BNP was 2300. (I was told normal is 0-100).

He received treatment at YRMC to get the fluid out of his system. He was released from the hospital yesterday, April 13. He is making progress.

With his current heart problems, I would definately not want to leave him alone all day.

At this time, I do not feel I could give my full attention to the upcoming case, if chosen to be a juror.